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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pei et al.

Attorney Docket No.: SRI1P026/US-4152-2

Application No.: 09/619,847

Examiner: Dougherty, Thomas M.

Filed: July 20, 2000

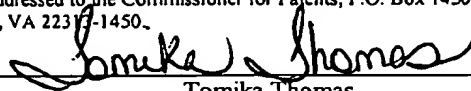
Group: 2834

Title: Improved Electroactive Polymers

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on July 8, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed:


Tomika Thomas

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance, mailing date April 22, 2004, and in accordance with 37 C.F.R. §1.705, Applicants respectfully request reconsideration of the period of adjustment.

Statement of Fact, as Required by §1.705(b)(2)

The Applicants respectfully submit that the correct patent term adjustment is 316 days based upon C.F.R. §1.702(a)(2).

USPTO has calculated 420 applicant days for a response filed more than 3 months after the mailing of a non-final rejection (August 9, 2002-October 3, 2003). Applicant respectfully submits this calculation is incorrect because Applicant filed a response to the non-final rejection on August 1, 2002 by fax. The Applicant received a transmittal response indicating that the USPTO received this response. However, the USPTO did not record the response filed August 1, 2002. This response was later resubmitted to the USPTO and received at the USPTO October 3, 2003. The response satisfied the requirements of an amendment under CFR § 1.111. Therefore, applicant believes the calculation of 420 days by the USPTO is incorrect as the delay in receiving the office action was the result of a USPTO error and not a delay resulting from Applicant.

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Applicant believes that 410 PTO days should be calculated for the time period between Dec. 1, 2002 (4 months after reply was sent to USPTO) and January 15, 2004 (Mailing of Non-Final Rejection) based upon C.F.R. §1.703(a)(2).

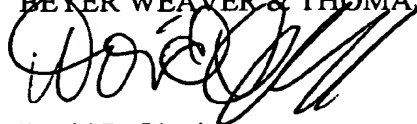
Thus, Applicant believes the total PTO days are 410 days. The total of 410 PTO days less the 94 Applicant days calculated by the USPTO results in a PTA of 316 days added to the term of the patent under CFR§1.703(f).

This application is not the subject of a terminal disclaimer.

The Commissioner is hereby authorized to charge the fee for filing a request for reconsideration of the patent term adjustment pursuant to §1.705 set forth in §1.18(e) of \$200.00 and any other fees which may be required or credit any overpayment to Deposit Account No. 500388 (Order No.)

Applicants respectfully request that the patent term adjustment be reconsidered.

Respectfully submitted,
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